IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTER PATENT APPLICATION NO.238 OF 2006
IN
CIVIL WRIT PETITION NO.4657 OF 1990

Dinkar Krishna Gawade ...Appellant
Vs.
Shree Datta Shikshan Prasarak Mandal & Ors. ...Respondents

Mr. P.K.Hishing Advocate for the Appellant

CORAM: SHRI D.G.DESHPANDE &
SMT. ROSHAN DALVI, JJ.
DATED: 2OTH NOVEMBER, 2006

P.C.

1. Heard the Advocate for the Appellant.

2. The Appellant has challenged order of the Single Judge dated 29th August, 2006 in Writ Petition 4657 of 1990. The Writ Petition was filed at the instance of Datta Shikshan Prasarak Mandal, employer of the Appellant against the order of the School Tribunal.

3. Learned Counsel for the Appellant contended that Exhibit-E of this LPA is the copy of the extract of the proceeding in respect of meeting dated 25th December, 1986

of the Respondent Mandal. He tried to contend that from Exhibit-E it is clear that only four persons i.e. (1) Shri D.G. Kalekar, (2) Shri A.Y. Jadhav, (3) Smt. P.D.Kalekar and (4) Shri H.Y.Gawde were present in the meeting, whereas the resolution No.2 came to be passed or shown to have been passed as proposed by Mr. A.Y. Jadhav and seconded by Mr. M.D. Patil, who was not present in the meeting and therefore, it would not have been sanctioned. He also contended that he was not a Trustee and Mrs. P.D.Kalekar was not a Trustee and even then she was permitted/allowed to remain present in the meeting.

4. When questioned in this regard as to whether the Appellant has raised this issue before the School Tribunal, learned Counsel for the Appellant contended that in the Written Statement filed by the Appellant it is raised. This point is not at all raised or shown either directly or indirectly to the Tribunal nor was it raised before the single Judge. Therefore, there is no merit in this Appeal. Hence, the Appeal is dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. D.G.DESHPANDE, J.)